

**REMARKS**

Reconsideration of this application is requested. Claims 1-6 and 14, 17 and 18 are in the case. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached pages are captioned "**Version With Markings To Show Changes Made.**"

**I. SPECIFICATION**

The Examiner has requested an amplified Abstract. In response, a new Abstract is presented on a separate sheet attached to this response in which the general formula of the claimed compounds is depicted.

The specification has been amended to indicate that the present application is a 371 National Phase application of PCT International Application PCT/SE99/02256, filed December 2, 1999.

**II. THE FORMAL REJECTIONS**

Claim 18 stands rejected as including compounds not within the scope of the compounds for formula (I). In response, Claim 18 has been amended to delete such compounds. The deleted compounds have been removed without



prejudice to the possibility of pursuing patent protection for those compounds in a separate continuing application.

Claims 1 and 5 stand rejected under 35 U.S.C. 112, second paragraph, on the ground that it is allegedly unclear what the language "or solvate thereof" is unclear. This rejection is respectfully traversed.

It is believed that a person of ordinary skill in this art would have no difficulty in understanding what is meant by "or solvate thereof" in the context of the presently claimed invention. For example, as noted at page 13, line 12, the solvate may be water, ethanol, tetrahydrofuran or diethyl ether. Reconsideration of this rejection is accordingly respectfully requested.

The Examiner has inquired as to the purpose of the proviso appearing at the end of Claim 1. The claimed invention of the present application is an improvement over the disclosure of U.S. Patent No. 6,251,910, issued June 26, 2001. A copy of that patent accompanies the present response, together with a completed PTO-1449 and an IDS fee. It is respectfully requested that the Examiner initial the attached PTO-1449 and return a copy of the initialed document to the undersigned as an indication that the attached patent has been considered and made of record in the present application.



As will be evident from the attached Declaration by two of the named Applicants in this case, namely Anthony H. Ingell and Brian Springthorpe, of the nine compounds exemplified in the present application, five were synthesized prior to the September 21, 1998 102(e) date of U.S. Patent No. 6,251,910. The utility is demonstrated in the specification (pages 13-16; 42-43). The attached Declaration is accompanied by copies of laboratory notebook pages of research chemists working under the direct supervision and control of the co-declarants.

In light of this, it is clear that U.S. Patent No. 6,251,910 is not available as prior art under 35 U.S.C. 102(e) against the presently claimed invention. No obvious rejection lies in this case.

Withdrawal of the outstanding formal rejections is now believed to be in order. Such action is respectfully requested.

### **III. THE OBVIOUSNESS REJECTION**

Claim 1 stands rejected under rejected under 35 U.S.C. 103(a) in view of the presence of the proviso at the end of Claim 1. For the reasons discussed above, the obviousness rejection no longer stands in this case in light of the attached Declaration evidence. Reconsideration and withdrawal of the outstanding obviousness rejection are accordingly respectfully requested.

**IV. THE 35 U.S.C. 101 REJECTION**

Claims 7-13 have been rejected as being directed to a "use." In response, and without conceding the merit of this rejection, Claims 7-13 have been canceled without prejudice to the possibility of pursuing that subject matter in a separate continuing application.

Withdrawal of the outstanding 35 U.S.C. 101 rejection is now believed to be in order. Such action is respectfully requested.

**V. THE 35 U.S.C. 112, FIRST PARAGRAPH, REJECTION**

Claims 14-16 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly too broadly claimed on the ground that "prevention" is "very difficult to show." This rejection is respectfully traversed.

A person of ordinary skill in this art would have no difficulty in carrying out the method as claimed in respect of "prevention" of the recited conditions. Persons of ordinary skill in this art are well acquainted with techniques employed in preventative medicine, to achieve prophylaxis in patients susceptible to

disease. Reconsideration and withdrawal of this formal rejection are accordingly respectfully requested.

**VI. RESTRICTION**

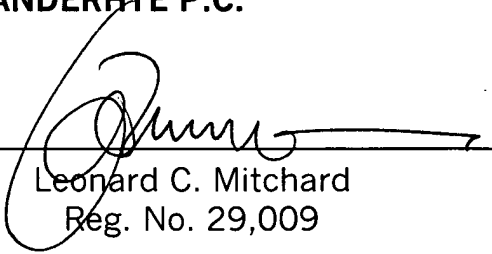
The Examiner has asserted that Applicants are not entitled to more than one method of treatment claimed. The Examiner has requested that Applicants "pick one believable utility they can demonstrate." In response, the method of Claim 14 is elected with traverse. Claims 15 and 16 have been canceled without prejudice to presenting that subject matter in a separate continuing case

Allowance of this application is awaited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
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**Attachments: Executed Declaration; USP 6251910; PTO-1449; IDS Fee of \$180**